

JOHN GILBERT vs. APC NATCHIQ, INC.  
CASE NO. 3:03-CV-00174-RRB

DEPOSITION OF JOHN D. GILBERT  
MAY 31, 2006

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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA

JOHN GILBERT,  
  
Plaintiff,  
  
v.  
  
APC NATCHIQ, INC.,  
  
Defendant.

Case No. 3:03-CV-00174-RRB

DEPOSITION OF JOHN D. GILBERT  
June 7, 2006

APPEARANCES:

FOR THE PLAINTIFF:

MR. KENNETH L. COVELL  
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FOR THE DEFENDANT:

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DeLisio Moran Geraghty  
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ALSO PRESENT:

MR. DOUGLAS SMITH

\* \* \* \*

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1 national labs. Like where I currently work you have to  
2 have radiological one and radiological two training in  
3 order to work there.

4 Q And the training teaches you safety and how to deal  
5 with it?

6 A Correct.

7 Q Okay. And you had that.....

8 A Evacuation procedures and so forth.

9 Q And Geoprobe, what is that?

10 A That's just a small drilling rig. It allows you to do  
11 subsurface sampling of soil and water. It's a tract  
12 drilling rig is all it is.

13 Q Okay. At the time that you came to work with APC as a  
14 safety specialist, which would have been back in  
15 January of '01, did you believe that you had the  
16 qualifications to work as a safety specialist as  
17 described by APC?

18 A I did after they hired me. Yes -- yes, I did.

19 Q Okay. Did you feel competent in carrying out the job  
20 in a safe and competent and professional manner?

21 A Yes.

22 Q Okay. And you feel that you had had the prior  
23 training, or they provided you with the training  
24 necessary in order to do that?

A I felt that I probably had enough background to do it

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1 Q And you had the responsibility to supervise them?

2 A Yes, it's a gray area in my opinion, but -- yes.

3 Q Okay. Development of site specific policies and  
4 procedures?

5 A Yes, we all did that.

6 Q And risk assessments?

7 A Yes.

8 Q Incident investigations?

9 A Yes.

10 Q Audits and monitoring of ongoing activities?

11 A Yes, I'm not quite sure what that means.

12 Q For example, the activities of safety specialists, were  
13 you auditing and monitoring ongoing activities by  
14 safety specialties?

15 A Auditing and monitoring?

16 Q Yes or no?

17 A No.

18 Q Okay. How about auditing and monitoring of ongoing  
19 activities such as the usage safety protocols?

20 A Yes.

21 Q Okay. Coordination of health surveys?

22 A Coordination of health surveys, yes.

23 Q Okay. Within this description, let me see if we can  
24 establish some base line here. If I understand the way  
that APC has this put together, the safety specialist

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1 were, a term I'll use is embedded. They were  
2 specifically assigned to a location facility and  
3 project, is that correct?

4 A For the most part, that's correct.

5 Q Okay. So somebody would go every -- you weren't  
6 handing out assignments each time this guy would show  
7 up at work, he'd go and work on pads, for example?

8 A Sure, everybody kind of had their assigned area and  
9 then if somebody was absent there'd be fill-in, you  
10 know, somebody will go over and fill in.

11 Q Okay. All right. And these guys actually were getting  
12 specific -- in addition to working independently and  
13 doing monitoring, and you agree with me, they worked  
14 independently?

15 A Yes, oh yes -- definitely.

16 Q And in addition to working independently they would  
17 also respond to whoever was the supervisor within  
18 control of that particular construction project or area  
19 of maintenance?

20 A Well they reported to or had direct liaison with --  
21 whether it's the maintenance supervisor or the  
22 maintenance foreman or -- they had their own areas to  
23 report to. They -- one was maintenance, one was  
24 construction, one was operations, and one was drilling.

5 Q Okay. And those are the different specialists within

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1 question, so --

2 MS. ZOBEL: All right.

3 Q (By Ms. Zobel) I think your answer was that that did  
4 not happen daily. It was something that could happen  
5 that you would be called on, but it happened  
6 intermittently, is that.....

7 A Correct.

8 Q All right. In general, though your job was not to do  
9 those on site activities but to rather work from the  
10 corporate side of the job of health, safety, and  
11 environment?

12 MR. COVELL: Technically that's not a question.

MS. ZOBEL: Is that correct?

14 MR. COVELL: Okay. Now, that's a question.

15 MS. ZOBEL: He answers before I get to say, is  
16 that correct.

17 A Okay. I'll quit.

18 MR. COVELL: That's all right.

19 Q (By Ms. Zobel) Is that correct?

20 A No.

21 Q No? Well --

22 A I don't quite understand the corporate side. I mean,  
23 the way I look at my job as a safety supervisor, if I  
24 may, it was not too much more than a glorified safety  
25 specialist. Somebody had to be in the office to take

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1 last word.

2 Q Well I guess what I'm getting at is why did they send  
3 it to you if safety specialists have already looked at  
4 it, if they didn't need somebody from corporate to look  
5 at it, or from whoever was a representative of the  
6 department?

7 A I think it's to get more eyes on it, personally. I  
8 have no good answer for you there. I mean, why did  
9 they send it to the safety specialist? So it could be  
10 the opposite question, so we had several people  
11 involved in all of these investigations so --

12 Q UA's, urinalysis?

13 A Uh-huh (affirmative).

14 Q And what was your responsibility there?

15 A Let's see, we would bring the employees in for random  
16 and then scheduled urinalysis and perform the entire  
17 urinalysis procedure, you know.

18 Q What was your role in the urinalysis program?

19 A Same as everybody else's. You'd bring them in and  
20 you'd sit them down. You'd have them fill out the  
21 initial paperwork. You'd check them for contraband.  
22 You'd take them in, give them the cup, watch them do  
23 their thing in the cup, pull it back, make sure that  
24 the temperature was correct on the cup and everything  
25 looked okay. Then you would split the sample, load the

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1 we'd all call who we knew and they would send a resume  
2 or some other form of information and we'd all kind of  
3 just look through them and then a final decision would  
4 be made as to -- if they're going to hire them or not.

5 Q Who would make the final decision?

6 A Doug in this particular instance.

7 Q Okay. And would Doug be looking to you to give him  
8 your input as to who would be hired?

9 A Myself and others, yes.

10 Q Who would the others be?

11 A All the safety specialists.

12 Q Okay. There's another bullet point down here about  
13 mid-way through about a Mr. Ken Quinlan who contacted  
14 me. He's an IH who is currently working in Arizona.  
15 He's looking for work.

16 A Uh-huh (affirmative).

17 Q And then you told him to send the resume to a certain  
18 e-mail. Who's e-mail is that?

19 A It might have been mine. It might have been Doug's, I  
20 don't know.

21 Q Does that look like yours?

22 A I don't recall.

23 Q All right. Then back up on this page, on 299 it says  
24 blank approached me about a problem she's having with  
her alternate and is unhappy with the amount of work

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1 that's being completed during her hitch. Did you have  
2 responsibilities to deal with unhappy employees within  
3 the department?

4 A No, I -- Doug handled all that.

5 Q Well if Doug wasn't there did you just blow them off  
6 and say wait until Doug's there or what did you do?

7 A Pretty much.

8 Q Oh. Did you ever problem solve with people who were  
9 unhappy?

10 A Yes, sure.

11 Q All right. It says I've not talked with blank and  
12 there's always two sides to the story, would you do the  
13 two sides to the story? Would you investigate?

14 A I know what this is all about here. This is Kim and  
15 Amanda were not -- they were butting heads and, you  
16 know, I just deferred all this to Doug.

17 Q Is that because it wasn't your responsibility or  
18 because you just didn't want to deal with the personnel  
19 issues in the admin office?

20 A I don't think it was my responsibility so --

21 Q Okay. What about if there was some lack of  
22 attentiveness or work ethic or whatever on the part of  
23 the safety specialist? Would it be your responsibility  
24 to call that to their attention and tell them they  
needed to get it straight?

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1 A I can't ever recall that happening, so I don't know how  
2 to answer that. No.

3 Q You never had anybody from any of the different places  
4 where these people were embedded -- the supervisors  
5 calling you and saying we're having trouble with so and  
6 so?

7 A Oh, I think there was a lot of that particular type of  
8 stuff going on all the time. You know, I mean the  
9 safety department is not -- how shall I put this --  
10 well liked by either management or employee.

11 Q Why is that?

12 A You're the bad guy. You know, you're always -- you  
13 have nothing good to tell management and you're always  
14 on the employee's back to make them work safe so nobody  
15 likes you. Yes, you could get a call several times a  
16 day complaining about the safety guy.

17 Q And you're the guy that they would bring those  
18 complaints you?

19 A Yes, myself or Doug or Ron Kirk or.....

20 Q As your alternate?

21 A Gary Buchanan or.....

22 Q Gary over -- what was his position -- over Doug?

23 A Yes, he's the -- let's see if I can get this right.

24 Q You don't have to worry about what his.....

A I don't know, I can't remember his title.

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1 Q Okay.

2 A It would be a guess.

3 Q Then safety staff meetings: when you hold a safety  
4 staff meeting, would you conduct those meetings?

5 A (No audible answer)

6 Q It says I basically went over what so and so presented  
7 to the rest of the group the previous Saturday. Also  
8 discussed the modification to the APC PP and G manual.  
9 We're right here.

10 A Two 99, right here. It looks like I did conduct that  
11 one, yes.

12 Q Okay. Is that some of what you regularly did?

13 A Well we weren't very good at having regular meetings.

14 Q When you held meetings, who conducted them?

15 A It's -- it's possible that I conducted them. It's also  
16 possible Doug conducted them or one of the safety  
17 specialists if he had something in particular he wanted  
18 to talk about he would conduct them. It was pretty  
19 informal.

20 Q Okay. He'd be on the agenda, but somebody else would  
21 set the agenda?

22 A I don't even know if you could go as far as saying  
23 there was an agenda.

24 Q Oh, I've got some agendas.

2 A Okay. Good.

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